

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 22769 of 2004(I)

PETITIONER:

V.RAGHUVARAN NAIR, AGED 48 YEARS,
S/O. VELAYUDHAN NAIR, RESIDING AT THIRUMANGALATHU
VEEDU, OLD KARAKKAMANDAPAM, NEMON (PO),TRIVANDRUM.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI RAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.SABU SREEDHARAN
SRI.A.G.GIRISH KUMAR
SRI.A.V.VIMAL KUMAR

RESPONDENTS:

1. UNION OF INDIA,
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT, NEW DELHI.
2. THE REPCO BANK LTD. (GOVERNMENT OF INDIA
ENTERPRISES), MINISTRY OF HOME AFFAIRS,
SHALIMAR COMPLEX, SUBRAMANYA SWAMY KOIL ROAD,
THAMPANOOR, TRIVANDRUM.
3. THE SALES OFFICER,
THE REPCO BANK LTD. (GOVERNMENT OF INDIA
ENTERPRISES), MINISTRY OF HOME AFFAIRS,
SHALIMAR COMPLEX, SUBRAMANYA SWAMY ROAD,
THAMPANOOR, TRIVANDRUM.
4. THE RECOVERY OFFICER,
REPCO BANK LTD., T. NAGAR, NORTH USMAN ROAD,
CHNNAI, TAMILNADU.
5. JOHNY P.GEORGE,
PUNNAKUDIYIL HOUSE, SHAW WALLACE LANE,
NALANCHIRA, TRIVANDRUM.

6. V.GOPIKRISHNA,
T.C.36/968, CHERUNNIYOOR HOUSE, PERUMTHANNI,
VALLAKKADAVU (P.O), TRIVANDRUM.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SOLICITOR GENERAL FOR R1
SRI.U.K.RAMAKRISHNAN FOR R2
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
SMT.UMA GOPINATH
SRI.V.KRISHNA MENON
SRI.DEVIDAS.U.K
SRI.SANDEEP.E.
SRI.KRB.KAIMAL FOR R5
SRI.ANIL K.NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

- EXT.P1 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 20/07/2004
- EXT.P2 TRUE COPY OF THE PUBLIC AUCTION NOTICE DATED NIL PUBLISHED BY THE THIRD RESPONDENT
- EXT.P3 TRUE COPY OF THE NOTICE/OBJECTION SENT ON BEHALF OF THE PETITIONER TO RESPONDENTS 3 AND 4 DATED 16/07/2004
- EXT.P4 TRUE COPY OF THE REPORT OF ATTACHMENT DATED 08/11/2000 IN O.S.NO.356/2000 OF THE FIRST ADDITIONAL SUB COURT, THIRUVANANTHAPURAM
- EXT.P5 TRUE COPY OF THE JUDGMENT IN O.S.NO.356/2000 DATED 22/07/2003 OF THE 1ST ADDITIONAL SUB COURT
- EXT.P6 TRUE COPY OF THE DECREE IN O.S.NO.356/2000 DATED 22/07/2003 OF THE FIRST ADDITIONAL SUB COURT, THIRUVANANTHAPURAM
- EXT.P7 TRUE COPY OF THE EXECUTION PETITION IN O.S.NO.356/2000 DATED 26/07/2004 BEFORE THE 1ST ADDITIONAL SUB COURT, THIRUVANANTHAPURAM

RESPONDENT'S EXTS:-

- EXT.R2(a) TRUE COPY OF THE NOTICE (FORM NO.8) DATED 11/05/2004
- EXT.R2 (b) TRUE COPY OF THE NOTICE (FORM NO.9) DATED 11/05/2004
- EXT.R2 (c) TRUE COPY OF THE REPLY DATED 30/07/2004.
- EXT.R2 (d) PHOTO COPY OF EXECUTION PETITION FILED BY BANK AS E.P.675/2005 IN ARC.2759 DTD.25/1/2005

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C) No. 22769 of 2004 (I)

Dated this the 22nd day of November, 2006

J U D G M E N T

The property belonging to the sixth respondent was brought to sale by respondents 2 to 4, as an amount was due to the second respondent. However, the writ petitioner submits that the property that was brought to sale by respondents 2 to 4, were attached on 08/11/2000 in a civil suit and the proceedings under a civil litigation was pending for the amount due to the writ petitioner from the 6th respondent.

2. When this matter came up for consideration, the counsel for the writ petitioner submitted that the petitioner had settled the matter with the fifth respondent, the auction purchaser of the property, at the instance of the sixth respondent and, therefore, he has no objection in the property of the 6th respondent being proceeded with, according to the law, by respondents 2 to 4 and also confirming the sale, as the writ petitioner is intending to proceed against the remaining properties of the sixth respondent, to satisfy the decree granted

by the civil court.

4. In the above facts situation, the suspension of Exhibit P2 proceedings, ordered by this Court and extended from time to time, is hereby vacated. I close this writ petition as no other points are raised for consideration and no further orders are required to be passed.

(J.M.JAMES)
Judge

ms